

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

|                           |   |                          |
|---------------------------|---|--------------------------|
| UNITES STATES OF AMERICA, | ) |                          |
|                           | ) |                          |
| v.                        | ) | CASE NO. 2:07-cr-204-MEF |
|                           | ) |                          |
| KIWANIS MIYO JONES,       | ) | (WO)                     |
|                           | ) |                          |
| Defendant.                | ) |                          |

**ORDER**

This cause is before the Court on Defendant Kiwanis Jones's ("Jones") Motion for Judgement of Acquittal and/or New Trial (Doc. # 57). Federal Rule of Criminal Procedure 29(c)(1) requires a motion for a judgment of acquittal to be filed "within 7 days after a guilty verdict or after the court discharges the jury, whichever is later." Furthermore, Rule 33 (b)(2) requires a motion for new trial, other than a motion grounded on newly discovered evidence, to be filed "within 7 days after the verdict or finding of guilty."

On January 17, 2008, a jury found Jones guilty of all six counts of the indictment against him. Therefore, any motion for a judgment of acquittal or new trial was required by Rules 29 and 33, respectively, to be filed on or before January 28, 2008. The motion currently before the court was filed on March 12, 2008, more than a month past the seven day window. However, Rule 45(b)(1)(B) allows this Court to extend the time for filing for "good cause," after the deadline has already expired, if the party failed to act because of "excusable neglect."

For the reasons stated above, it is hereby ORDERED that on or before **March 19,**

**2008**, Defendant shall SHOW CAUSE why good cause exists to extend the time for filing under Rule 45(b)(1)(B).

DONE this 13th day of March, 2008.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE